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6 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

7 RANDY DEETS, ) 3:08-cv-00655-RCJ (RAM)  
8 Plaintiff, )  
9 vs. ) **ORDER**  
10 RUDY CASTILLO, )  
11 Defendant. )  
12 \_\_\_\_\_

13 Plaintiff commenced this action pursuant to 42 U.S.C. § 1983 on December 15, 2008.  
14 (Doc. #1). On September 9, 2009, Plaintiff filed a motion for leave to file a first amended  
15 complaint. (Doc. #12.) On October 28, 2009, the court granted the motion (Doc. #26) and  
16 received Plaintiff's First Amended Complaint for screening (Doc. #27).

17 On January 20, 2010, Defendant moved for summary judgment based on Plaintiff's  
18 original complaint. (Doc. #30.) Because Plaintiff has filed an amended complaint, this motion  
19 is moot. After Plaintiff's complaint is screened and filed, Defendant may renew his motion for  
20 summary judgment.

21 **IT IS HEREBY ORDERED** that Defendant's Motion for Summary Judgment  
22 (Doc. #30) is **DENIED** without prejudice and with leave to renew.

23 DATED: May 12, 2010.



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25 UNITED STATES MAGISTRATE JUDGE  
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